

From: [Richard Abraham](#)
To: [Vakoc, Misha](#)
Subject: Proposed NPDES Permit WAS026611
Date: Monday, November 11, 2019 2:26:32 PM
Attachments: [11-1-19 LETTER TO EPA.pdf](#)
[Untitled attachment 00029.html](#)
[11-11-19 TO Vacoc EPA.pdf](#)
[Untitled attachment 00032.html](#)

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November 10, 2019

U.S. EPA Region 10
Director, Dan Opalski Water Division
1200 Sixth Avenue, Suite 155 (WD-19-C04)
Seattle, Washington, 98101

**RE: Illicit Discharges, Proposed NPDES Permit WAS026611 for Naval Air Station
Whidbey Island Municipal Separate Storm Sewer System**

Director Opalski,

This letter conveys two requests concerning WNAS proposed Permit WAS02661 and illicit discharges of toxic chemicals to Clover Valley Creek, Clover Valley Lagoon and Dugualla Bay.

As reflected in the information provided with this letter, significant concentrations of six PFAS (polyfluoroalkyl or perfluoroalkyl) chemicals were discharged to Clover Valley Creek, Clover Valley Lagoon and Dugualla Bay as evidenced in monthly samples from September 2018 thru September 2019.

These on-going discharges have occurred without the EPA's or the public's knowledge. PFAS are associated with Aqueous Film Forming Foam (AFFF) that the proposed permit specifically prohibits in routine non-emergency discharges. At least three water wells near Clover Valley Creek evidence PFAS contamination.

Misha Vakoc, EPA Region 10 Municipal Stormwater Coordinator, has stated that she and other appropriate EPA staff persons had not been made aware of these discharges—and the provisions of the permit were not drafted with the knowledge that these PFAS contaminated discharges were occurring.

The PFAS containing discharges were also occurring, apparently unknown to the Washington Department of Ecology, on and before June 20, 2019 when it granted Clean Water Act 401 Final Certification for Permit WAS026611. That certification was based, in part, on conformance with the “prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington.”

According to EPA's Fact Sheet, Clover Valley Creek and Lagoon are, “protected for core summer salmonid habitat; extraordinary primary contact recreation; water supply uses (domestic, industrial, agricultural, stock); and miscellaneous uses (wildlife habitat, harvesting, commerce/navigation, boating, and aesthetics).” PFAS (polyfluoroalkyl or perfluoroalkyl) chemicals are harmful to humans, persistent in the environment, and accumulate in fish, and marine mammals.

Ironically, the proposed permit requires the Navy to establish an on-going educational program on “stormwater threats to Southern Resident Killer Whales”—at the same time the Navy discharges chemicals that threaten them.

I and other concerned citizens request an extension of the existing public comment period that began on September 30, 2019 and is scheduled to expire November 14, 2019. If it is not extended, we request that it be re-opened.

Information about on-going discharges that are relevant to provisions of the permit had not been made available to the public at the time the public comment period began. The general public has yet to be adequately informed about the Navy's stormwater discharges. People need accurate information and sufficient time to prepare and present meaningful comments. They have neither.

The Permit Fact Sheet, which accompanied EPA's notice of the public's opportunity to request a hearing and comment, was not prepared with the knowledge that these discharges were occurring and likely to continue; neither did the Fact Sheet reflect that the discharges were occurring, or likely to continue occur.

The proposed permit sets forth "conditions, prohibitions, and management practices for discharges of stormwater" that were not prepared with the EPA's knowledge of the PFAS contaminated discharges that were occurring and likely to continue. This information was essential to the drafting of an adequately protective permit.

Additionally, the Navy recently has altered its stormwater drainage system by dredging portions of Clover Valley Creek and using the PFAS contaminated dredged materials to build a berm on one side of the Creek. The effect of doing this redirects contaminated stormwater water onto private property during times of high water.

At the time the U.S. Fish and Wildlife Service and National Marine Fisheries provided input on the Permit, they most likely had not been made aware of these continuing illicit discharges, and could still be unaware of their occurrence.

I request that EPA investigate the source and nature of contaminants entering and discharging from the Navy's storm water collection and discharge system.

The Navy's reluctance to be forthcoming with information about PFASs found in its stormwater points to the need for this investigation. According to WNAS statements in a news article, the discovery of unexpected odors in a storm drain resulted in it being "resampled" in August of 2018. PFAS were not likely to be the cause of odors and PFASs weren't expected to be found. It is possible, if not likely, that other contaminants were tested for during this sampling. The results should be made available to the public and EPA. Contaminants that might have been found could be in the discharges governed by the permit.

According to WNAS, the PFASs found in Clover Creek Water may come from contaminated groundwater entering the stormwater system. In addition to PFASs, 1,4-dioxane, trichloroethene and vinyl chloride are known to be in groundwater beneath portions of WNAS.

Please consider this an open letter and feel free to contact me if you have questions.

Sincerely,

Richard Abraham

cc: State of Washington, Department of Ecology, Water Quality Program

Attachments: Fact Sheet; Summary of WNAS Sample Reports, Depiction of Area

ⁱ 40 CFR 122.26(b)(2) defines an illicit discharge as any discharge to an MS4 that is not composed entirely of storm water, except allowable discharges pursuant to an NPDES permit, including those resulting from fire fighting activities.

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November 10, 2019

U.S. EPA Region 10
1200 Sixth Avenue, Suite 155 (WD-19-C04)
Seattle, Washington, 98101

ATTEN: Misha Vakoc, EPA Region 10 Municipal Stormwater Coordinator

RE: Illicit Discharges; Request for Extended or Reopening of Public Comment Period for Proposed NPDES Permit WAS026611 for Naval Air Station Whidbey Island Municipal Separate Storm Sewer System

Ms. Vakoc,

This letter conveys two requests and follows our October 29, 2019 phone conversation concerning WNAS proposed Permit WAS02661 and illicit discharges of PFAS (polyfluoroalkyl or perfluoroalkyl) chemicals to Clover Valley Creek, Clover Valley Lagoon and Dugalla Bay. Please forward this letter to those who can respond to the requests and note the new information regarding the alteration of the stormwater drainage system.

As reflected in the information provided with this letter, significant concentrations of six PFASs were discharged to Clover Valley Creek, Clover Valley Lagoon and Dugalla Bay as evidenced in monthly samples from September 2018 thru September 2019. These on-going discharges have occurred without the EPA's or the public's knowledge. PFAS chemicals are massociated with Aqueous Film Forming Foam (AFFF) that the proposed permit specifically prohibits in routine non-emergency discharges. At least three water wells near Clover Valley Creek evidence PFAS contamination.

You indicated that you, and other appropriate EPA staff persons, had not been made aware of these discharges—and the provisions of the permit were not drafted with the knowledge that these PFAS contaminated discharges were occurring.

The PFAS containing discharges were also occurring, apparently unknown to the Washington Department of Ecology, on and before June 20, 2019 when it granted Clean Water Act 401 Final Certification for Permit WAS026611. That certification was based, in part, on conformance with the “prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington.”

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I look forward to the EPA's response to the request conveyed in this letter.

Sincerely,

Richard Abraham

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